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October 12, 1998

Mr. Les Boles
Office of State Budget
1122 Lady Street, 12th Floor
Columbia, SC 29201

Dear Mr. Boles,

Enclosed is the 1997-1998 Annual Accountability Report for the South Carolina Attorney General's Office.

The mission of the Attorney General is unique and different from other State agencies or officers. The Attorney General is designated the chief prosecutor and the chief legal officer for the State. He has supervisory responsibility over all litigation conducted by the State's executive branch and provides legal advice and opinions to State agencies and officers, and legal representation to these agencies, officers and the State of South Carolina. The Attorney General also supervises the State's sixteen solicitors and the State Grand Jury, and is in charge of criminal appeals, all post conviction relief cases and all death penalty appeals in the state and federal courts.

I hope the Governor and General Assembly find that the information in the Annual Accountability Report explains the mission, objectives and performance measures of the Attorney General's Office in a concise and straightforward manner.

Please contact me at 734-3758 with any questions or comments.

Sincerely,

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STATE DOCUMENTS

Cam Crawford
Special Assistant for

CUSTOMER FOCUS AND SATISFACTION

CUSTOMER FOCUS:

The Office of the South Carolina Attorney General, as the State's Chief Legal Office, provides legal advice and legal representation in matters affecting the interests of the State. The Office provides legal representation to state governmental agencies and officers and may function as chief legal representative of the public interest for all citizens of the State.

As the State's Chief Prosecutor, the Attorney General is responsible for all cases brought against criminal defendants. The Attorney General is also the State's Chief Attorney. In that capacity, he is authorized to assume primary control over the conduct of litigation which involves the interest of the State. He also protects the interests of the State as a unitary client. He controls the development of public law and litigation.

The Attorney General is authorized to represent and give legal opinions to State agencies, the Governor, the Legislature, and other public officials. The Attorney General also represents vigorously and defends the public interest of the State in legal proceedings. Customer focus and satisfaction lies ultimately with the public interest of the State of South Carolina and is measured by the voters every four years. The General Assembly also plays a role in defining public interest by their legislative actions.

The Office of the Attorney General provides to the State of South Carolina a single source of legal services devoted to the long-term development and maintenance of consistent policy on state legal issues. The Office provides consistent fiscal planning of legal services and consistent compensation, promotion, and benefits for the State's legal staff. Because of its single source of legal representation, the Office provides an efficient delivery of legal services to the State.

BENCHMARK:

The Attorney General is designated the Chief Legal Officer for the State and has supervisory responsibility over all litigation involving State agencies, boards, and commissions, as well as all criminal prosecutions in the courts of this State. Further, the Attorney General is required to appear before the South Carolina Supreme Court in any case in which the State has an interest. The duties and responsibilities of the Office are unique in that they are created by the South Carolina common law, the Constitution and statutes pertinent and specific to this State. Because the organization and mission makes the Office unique and unlike any agency in the State or any other Office of Attorney General, the Office of the South Carolina Attorney General will utilize as its benchmark the compliance with the rules and procedures established in its internal Operating Guidelines and Principles, the various rules of the Courts of this State, the Rules of Ethics governing attorney conduct, and the Ethical Principles of State Government established for State employees. The Office will additionally utilize as its benchmark all procedures, guidelines, and time frames established by the South Carolina General Assembly in relevant statutory mandates.

PROGRAM NAME: STATE LITIGATION

Criminal Division:

The Criminal Division includes the State Grand Jury, Criminal Appeals, Medicaid Fraud Control Unit, Insurance Fraud, Criminal Prosecution, Capital Litigation, and Post Conviction Relief. Primary responsibility for prosecution in South Carolina's criminal courts lies with the various circuit solicitors. The Criminal Appeals Section represents the State in direct appeals from a criminal conviction to the South Carolina Supreme Court. The division also represents solicitors and the State in all criminal appeals to federal courts. The Capital Litigation Section represents the State in death penalty appeals. The State Grand Jury is responsible for the operation of a statewide grand jury which conducts investigations throughout South Carolina and initiates criminal prosecutions in drug, pornography, public corruption, and election fraud cases. The Medicaid Fraud and Insurance Fraud Sections investigate and prosecute Medicaid and insurance fraud crimes.

Opinions:

By statute, the Governor, members of the General Assembly, and agency heads are entitled to legal advice from the Office of the Attorney General. The Opinions Section supervises the research and issuance of legal opinions. Issues are frequently of a complex statewide policy matter. The opinions are reviewed for thoroughness and accuracy by the section. The section also advises legislators and their staff.

Civil Division:

The Civil Division handles many of the civil lawsuits brought by and against the State and its agencies. In addition, the division coordinates legal representation with the Budget and Control Board, its divisions, and the Governor's Office. This division is responsible for ethics and election matters. The division also includes a section that investigates complaints against attorneys and members of the judiciary.

Administrative:

The Administrative Division provides support and planning services necessary to the efficient operation of the Office. The division performs the business management, library, records management, support services, and personnel activities. The division is responsible for the Office's comprehensive drug testing program.

Finance Division:

This Division provides budgeting and accounting services to the Office.

Information Resources Division:

This Division is responsible for the management and use of the Office's information resource materials.

Public Information:

The Public Information Section serves to keep the media and public advised of activities of the Office.

PROGRAM GOAL: To advise and represent the General Assembly and the Governor; to defend the actions and investigate claims against public officers and employees; and to consult with and advise solicitors in matters relating to the duties of their Office.

OBJECTIVES:

- ! To speed up the process of court proceedings on criminal cases such as murder, rape, and robbery;
- ! To relieve the court and judicial system of its backlog of criminal cases which have been pending for as long as 15 years;
- ! To reduce violent crimes committed against the citizens of South Carolina;
- ! To continue to address the rapid increase in violent crimes committed by youth through the Violent Youth in Schools Prevention Program;
- ! To offer an alternative to incarcerating youth offenders through a Youth Mentoring Program;
- ! To enhance the Office's program to address domestic violence as well as other violent crimes against women;
- ! To reduce the amount of time in capital cases between sentencing and actual execution;

PERFORMANCE MEASURES: The following summary reflects the volume and status of cases currently managed by the Office. Such reporting is ongoing and will be used as a benchmark for future success in meeting the responsibilities of the Office of the Attorney General and its commitment to excellence.

ATTORNEY GENERAL'S OFFICE
STATISTICAL CASELOAD
07/01/96 THROUGH 06/30/97

SUBJECT

FILES ACTIVE DURING YEAR

Administrative Procedures Act Matters	56
Agency Instituted Suits	28
Agency Legal Advice	35
Amicus Brief	54
Antitrust	13
Bankruptcy	10
CA - Death Penalty	38
Charitable Solicitation	3
Charitable Trust	261
Charities Litigation	1
Collections	8
Constitutional Test	6
Construction Matters	1
Consumer Fraud Investigations	10
Consumer Fraud Litigations	2
Contract Matter	22
Criminal Appeals	1,457
Criminal Investigations	11
Criminal Prosecutions	30
Declaratory Judgements	31
Defense of Public Employees (1983 Actions)	14
Elections	51
Environmental/Health	24
Environmental Prosecution	9
Escheatments	2
Extraditions/Detainer	62
Federal Habeas Corpus	487
Federal Habeas Corpus-Death Penalty	16
Federal Litigation	6
Forfeiture	7
Freedom of Information	8
Gambling	1
General Prosecution	292
Injunctions	8
Insurance	6
Insurance Fraud/Investigation/Litigation	530
Medicaid Fraud Investigation/Litigation	145
Monitoring of Case	72
Office Administration	1
Opinions	441
Other	1
Other - Civil	262
Other - Criminal	175
Other\Death Penalty	1
Personnel (Incl Griev/Retire)	103
Post Conviction Relief Appeal	998
Post Conviction Relief-Death Penalty APPEAL	4
Post Conviction Relief-Death Penalty	50
Post Conviction	3,563
Professional Discipline Matter	49
Real Property	18
Review of Legislation, Regs, etc.	2
Securities Investigation/Cases	91
Second Injury Fund	2
State Grand Jury-Criminal Prosecution	288
Special Investigation	3

Tidelands	24
Tort Claims (Defense of)	6
Unknown	28
Victim Assistance Reports	98
Voting Rights Matters	24
Wildlife	1
Wills, Trusts and Estates	269
Workmen's Compensation	2
Total	10,231

Total active files includes those opened, closed or open during the year.

DESCRIPTION OF PROGRAMS

ACCOUNTABILITY REPORT OF THE OFFICE OF THE ATTORNEY GENERAL

CIVIL DIVISION

Overview

The Civil Division represents the State, its officers and agencies, and public employees in all civil litigation brought in the State or Federal Courts. The Civil Division also advises State agencies and officials regarding the official duties and issues affecting these agencies or individuals.

In addition to these broad responsibilities the Civil Division, by statute, rule, or regulation, is required to investigate and prosecute grievances filed against judges and attorneys practicing law in this State, hold extradition hearings, act as the hearing officer in personnel grievance actions, and review statewide bonds and bonds of public officials. The statutes also provide certain civil authority to the Attorney General regarding anti-trust and consumer protection.

All of the case work of the Division is mandated by either statute, rule, or regulation. In an effort to reduce the cost of litigation, the Civil Division rarely refers a case outside the Attorney General's Office for representation of the State. In addition, an appeal of a case must be approved by the Deputy of the Division or higher staff level.

Several Tenth Amendment suits have been instituted by the Attorney General and brought by the Civil Division in an effort to save the State the cost of implementing federally mandated programs.

The goal and objective of the Civil Division is to represent the State, its agencies and officers, and public employees, at the highest level and quality of representation.

Specific Statutes: Representation of the State, State Agencies, State Officials, and Public Employees
Pursuant to S.C. Code Ann. §1-7-40, the Attorney General

... shall appear for the State in the Supreme Court in the trial and argument in such Court of all causes ... civil, in which the State is a party or interested, and in such causes in any other court or tribunal when required by the Governor or either branch of the General Assembly.

Section 1-7-50 requires the Attorney General to defend public officers and employees in civil actions

* Excluding certain cases covered by the Insurance Reserve Fund which assigns an attorney authorized by the Fund.

brought against them where they acted in good faith. Section 1-7-80 requires the Attorney General to conduct all litigation which may be necessary for "... any department of the State government or any of the boards connected therewith" By statute, the Attorney General must also advise the General Assembly, Governor, and State officers. See, Sections 1-7-70, 1-7-110.

Public Charities and Charitable Trusts

Section 1-7-130 requires the Attorney General to

... enforce the due application of funds given or appropriated to public charities ... prevent breeches of trust in the administration thereof and, when necessary prosecute corporations which fail to make to the General Assembly any report or return required by law.

Pursuant to Section 62-7-501, the trustees of charitable trusts are required to file certified copies of the charitable trust instruments with the Office of the Attorney General within ninety days after the trust is created. In addition, the trustees must also file annual reports to this Office concerning the preceding year=s activities.

Attorney Grievance Section

The Attorney Grievance section works with the Office of Disciplinary Counsel to investigate and prosecute complaints of misconduct against lawyers and judges before the Commission on Lawyer Conduct and the Commission on Judicial Conduct. The Rules on Lawyer Disciplinary Enforcement (Rule 413, section 5(b)(4), S.C. Appellate Court Rules) and the Rules on Judicial Disciplinary Enforcement (Rule 502, section 5(b)(4), SCACR) both authorize this assistance from investigators and attorneys of the Office of Attorney General.

Extraditions

Section 17-9-50 requires the Attorney General to hold a hearing on proposed extraditions and report his findings to the Governor.

State Employee Grievance Hearings

Section 8-17-340 requires the Attorney General to designate staff to serve as a committee attorney to advise the State Employee Grievance Committee. The State Employee Grievance Committee hears all grievance appeals from State agencies regarding terminations, suspensions, etc. Pursuant to Regulation 706.05, the designated Assistant Attorney General must rule on all legal questions that arise at these hearings.

Bonds

Pursuant to Section 8-3-140, the Attorney General must examine and certify, in writing, the bonds of all public officials. Additionally, pursuant to a regulation of the Budget and Control Board, 19-102.63, prior to the Budget and Control Board approving an industrial revenue bond, hospital revenue bond, or pollution control bond, the Attorney General must review the bond and find it legally adequate.

Anti-Trust Issues

The Attorney General often is presented with anti-trust issues. Specifically, Sections 39-3-2 and 39-3-190 require the Attorney General to enforce, along with the Solicitors, the provisions of the statutes dealing with monopolies and conspiracies in restraint of trade.

Consumer Protection Issues

Section 39-5-50, et seq., authorizes the Attorney General to bring an action in the public interest to prevent unfair trade practices occurring. Section 39-5-110 provides civil penalties for wilful violations. See also Section 37-6-117.

CRIMINAL DIVISION

Capital Litigation Section

This section is responsible for the following areas of litigation:

1. All murder appeals to the S.C. Supreme Court and U.S. Supreme Court;
2. All state post conviction relief actions (PCR) where a death sentence has been imposed;
3. Selected non-capital murder PCR cases in the Court of Common Pleas, S.C. Supreme Court and U.S. Supreme Court; and
1. All federal habeas corpus challenges of any South Carolina conviction in the U.S. District Court, the Fourth Circuit Court of Appeals, and the U.S. Supreme Court.

The objective of the Capital Litigation Section is to file all matters on the State's behalf in a consistent and legally strong position as an advocate for the State. The orderly resolution of these cases will ensure either a quick and just punishment, a timely retrial, or resolution when appropriate.

Specific Statutes: Direct Appeal To The S.C. Supreme Court of All murder convictions

Section 1-7-40 requires the Attorney General or his designee to appear for the State in the Supreme Court in all appeals. Unlike other convictions, murder appears are presently only heard in the S.C. Supreme Court rather than the S.C. Court of Appeals.

The goal in this area is to present the State's position in a factually correct manner and to urge the strongest position available as an advocate for the State, thereby ensuring that justice is served in a timely manner.

The performance measures are as follows:

4. To file all respondents briefs in a timely manner within the constraints of the particular case; and
5. To request no more than two extensions in which to file an initial brief (absent extraordinary circumstances) as approved by the S.C. Supreme Court.

State Post Conviction Relief Death Penalty Cases

The goal in this area is to complete the entire state post conviction relief process within two years after the direct appeal becomes final.

The performance measures are as follows:

1. To satisfy all deadlines required by the State in filings and case presentations consistent with the effective Death Penalty Act of 1996, which are:
 1. schedule appointment hearing within 30 days of judge assignment;
 2. file return 30 days after PCR is filed; and
 3. satisfy in a timely manner collateral court requirements to hear the matter within one year of filing of the application.

On appeal, these requirements specify filing the petition or return in a timely manner and with no more than two extensions (absent extraordinary circumstances).

Federal Habeas Corpus; Capital and Non-capital

The goal in this area is to file all matters, without more than one extension, in both capital and non-capital habeas corpus litigation, and to ensure that matters are presented to the federal courts in a consistent and thorough manner.

The performance measures are as follows:

2. To prepare and file each return with no more than two extensions (absent extraordinary circumstances), as authorized by the court; and

3. On appeal, to file all pleadings without more than one request for an extension (absent extraordinary circumstances), as authorized by the court.

Criminal Appeals Section

South Carolina Code § 1-7-40 requires, in pertinent part, that the Attorney General appear for the State in the Supreme Court in the trial and argument of all criminal causes in which the State is a party. Along these lines, the Criminal Appeals Section of the office represents the State in appeals from criminal convictions in cases as requested from the circuit solicitors.

The performance measure and goal for the Section is the ability of staff attorneys to meet all appellate deadlines, with no more than one extension, in eighty percent (80%) of the appellate cases handled.

The objective of the Section in implementing the above performance measure and goal is to handle all appeals filed by criminal defendants, forwarded to us by circuit solicitors, in a manner which leads to a quick and orderly resolution of the cases. In doing so, the backlog of cases may be reduced and quick and just punishment for the offender is ensured, while still allowing for any possible retrial while such cases are fresh for witnesses. An added benefit is a lessened impact on victims and their families.

DRUG IMPAIRED INFANTS SECTION (Temporary)

The performance measures, goals and objectives of this program include the following:

6. To develop and implement statewide uniform protocol and procedures for prosecution and intervention of cases involving infants exposed to drugs;
7. To serve on special committees or task forces established to study cases involving infants exposed to drugs;
8. To assist circuit solicitors in the implementation of protocol, procedures, and prosecution of cases involving infants exposed to drugs, including the actual prosecution of such cases;
9. To track and monitor the cases in circuits involving infants exposed to drugs; and
10. To assist other agencies, such as the Department of Social Services, Department of Alcohol and Other Drug Abuse Services, the Guardian Ad Litem program, and others in formulating procedures and protocol involving infants exposed to drugs.

INSURANCE FRAUD SECTION

The Insurance Fraud Section was established by the General Assembly through enactment of the Omnibus Insurance Fraud Reporting Immunity Act, effective date July 1, 1994. Specific reference should be made to S.C. Code of Laws, § 38-55-560(A).

Performance measures, goals and objectives include the following:

11. To review allegations of insurance fraud and, whenever appropriate, refer such matters to SLED for investigation;
12. To aggressively prosecute those who commit insurance fraud and any criminal activity related to insurance fraud;

13. To collect fines and restitution ordered by the Court;
14. To increase awareness of the magnitude and pervasiveness of insurance fraud;
15. To maintain positive relationships with other government and private agencies to combat insurance fraud; and
16. To combine an aggressive fraud prosecution unit with increased public awareness to effectively reduce insurance fraud, benefitting consumers through lower insurance rates.

MEDICAID FRAUD SECTION

In order to receive federal Medicaid monies, federal law [42 U.S.C. § 1396, et seq., See also, Part 1007 of 42 C.F.R.] mandates that the states must establish Medicaid Fraud Control Units to attack Medicaid provider fraud and patient abuse. The South Carolina Medicaid Fraud Control Unit complies with this federal mandate. The Unit prosecutes criminal cases of Medicaid provider fraud pursuant to South Carolina Code § 43-7-60, et seq. Civil recovery actions are also pursued by the Unit pursuant to South Carolina Code § 43-7-60(E). The Unit prosecutes patient abuse cases pursuant to the Omnibus Adult Protection Act (South Carolina Code § 43-35-5, et seq.)

The following are the projections and performance goals for 1999-2000:

Projected Complaints Received:	300
Projected Complaints Investigated:	100
Projected Investigations Closed:	50

POST CONVICTION RELIEF SECTION

S.C. Code Sections 17-1-40 and 17-27-20, et. seq. require that the Attorney General appear for the State in post conviction relief matters. Therefore, the Post Conviction Relief section of the Office represents the State in non-capital post conviction relief matters in the circuit and appellate courts.

The objective of the Post Conviction Relief Section in implementing the following goals and performance measures is to handle all the non-capital post conviction relief cases filed in South Carolina in a manner that leads to a quick and orderly resolution.

The performance measure and goal is for staff attorneys to dispose of the lower circuit court cases within one year of filing in fifty percent (50%) of the cases handled, and to meet all appellate deadlines, with no more than one extension, in eighty percent (80%) of the appellate cases handled.

PROSECUTION SECTION

The constitutional or statutory authority, performance measures, goals, and objectives for the Prosecution Section and its subsections are as follows:

17. GeneralThe general purpose of the Prosecution Section is to prosecute conflict cases

from solicitors' offices, both in General Sessions and Magistrate courts. Also, attorneys in the section will represent the State in other assigned criminal matters. Attorneys may also represent SLED in criminal matters.

1. Tax Cases - An assistant attorney general has been assigned to the Department of Revenue to prosecute criminal cases in the fields of taxation violations, gaming operations, and ABC violations.
2. Environmental - This Section works with the Department of Health and Environmental Control (DHEC) on criminal matters which arise as the result of criminal violations of environmental statutes and DHEC regulations.
3. School Violence Prosecution - An assistant attorney general has been assigned to supervise and monitor the prosecution of all reported school crime and to assist local officials in prosecution of school crime. This attorney will work closely with the Department of Education, local school districts, law enforcement, and solicitors. The School Crime Report Act requires the Attorney General to supervise the prosecution of school crime and also monitor school crime (S.C. Code Ann. §§ 59-63-330 and 59-63-360).

The Prosecution Section will accomplish its goals by prosecuting cases until ultimate disposition and by developing relationships with other state and local agencies involved in prosecuting criminal cases statewide. The performance will be measured by the disposition of cases and their review by the section supervisor and criminal division deputy.

18. Victim ServicesThe South Carolina Attorney General's Office developed the first full service program to assist victims in the post adjudication appellate process in the nation. The services offered include notification for Direct Appeals, Post Conviction Relief merit trials, Federal Habeas Corpus, petitions for rehearings, and the various Petitions for Certiorari. The services are provided to registered victims in all cases on appeal. Court accompaniment for victims is also provided for all direct appeals. These services are now required by statute (S.C. Code Ann. § 16-3-1560). Following the 1984 statute addressing victims' rights, this office developed a new Victim Impact Statement and will supply Solicitor's offices with these forms upon request.

Cases referred to the Attorney General's Office for prosecution are channeled to Victim Services for assistance in filing victim compensation forms, completing victim impact statements, preparing victim impact testimony, referrals, and court accompaniment. Upon conviction, this office registers the victim with the appropriate agencies handling post adjudication notification.

A model protocol for death penalty cases has been developed by Victim Services with the Department of Corrections. The protocol includes pre-execution briefings, media management, and execution notification.

Performance measurement: Performance is measured through direct supervision by the

Prosecution Section head and through the filing of quarterly reports with the Department of Public Safety to ensure compliance with the goals and objectives of the grant.

2. Youth MentorThe Attorney General's Office has established a youth mentor program to serve juvenile offenders in Family Court. The program shall be used as a pre-trial diversion option for solicitors and as an optional alternative sentence for Family Court Judges. (S.C. Code Ann. § 20-7-1331)

The goals are as follows:

1. Reduce juvenile incarceration rate;
 1. Provide positive role models;
2. Reserve DJJ facilities for more serious offenders;
3. Reduce court costs;
4. Break the cycle of crime before adulthood;
5. Promote academic excellence;
6. Promote positive citizenship;
7. Create a partnership between court and community;
8. Taxpayer savings; and
9. Direct citizen involvement.

Performance measurement: Performance will be measured through evaluation of the number of circuits, counties, solicitor's offices, qualified mentors, participating organizations, and assigned youth. This evaluation is to be made directly by the director of this Office's church/school mentor program with supervision by the section head and criminal division deputy.

4. School Violence Work toward the reduction of school violence by providing a statewide primary point of contact for school violence/crime related information, violence prevention program information and support, and training/technical assistance opportunities.

The goals are as follows:

1. Continue to improve the reporting of school crime incidents;
2. Continue to raise public awareness regarding school violence;
3. Assist the judicial system's response to school crimes;
4. Improve access to information related to youth violence, school violence, and violence reduction/prevention programs;
5. Continue the development of a multi-disciplinary approach to violence in schools that includes representatives from education, law enforcement, prosecution, and other interested agencies; and
6. Gather statewide information related to gang activity affecting the school environment.

Performance measurement: Performance is measured through direct supervision by the

Prosecution Section head.

5. Violence Against Women Program (Grant) Work toward the reduction of crimes against women through one comprehensive, statewide judicial education/training program (particularly for magistrates and municipal court judges) which will teach the dynamics of abusive relationships, lethality assessments, and enforcement of no-drop policies; application and intent of South Carolina laws on criminal domestic violence (CDV), criminal sexual conduct (CSC), and stalking; relevant aspects of law enforcement and prosecutorial protocols; and the collaborative role of the judiciary in enforcing relevant South Carolina laws which are conducive to the victimless prosecutions of these crimes as set forth by the response protocols.

Offer on-site interactive training seminars to law enforcement officers, solicitors, judges, and victim services providers on the domestic violence and stalking protocols.

Offer prosecution assistance to law enforcement officers in Magistrates' Court and solicitors in General Sessions Court. The Special Prosecutor will accept (approved) criminal domestic violence (CDV), criminal sexual conduct (CSC), and stalking cases referred to our Program by law enforcement and solicitors of each circuit, to prosecute or assist as needed in the prosecution of these crimes.

Performance measurement: Performance is measured through direct supervision by the Prosecution Section head and through the filing of quarterly reports with the Department of Public Safety to ensure compliance with the goals and objectives of the grant.

1. Sexually Violent Predator Act

In 1998, the General Assembly passed the Sexually Violent Predator Act, found in Section 44-18-10, et seq. of the South Carolina Code of Laws. The Act establishes the Prosecutor=s Review Committee, of which the Attorney General or his designee is the chairman. This committee is charged with determining whether or not probable cause exists to believe that a person is a sexually violent predator as defined by the Act. If probable cause is found, the matter is referred to the Prosecution Section of the Attorney General=s Office.

Upon receipt of the matter from the Prosecutor=s Review Committee, the Prosecution Section must, within thirty days, determine whether a petition seeking the commitment of an individual as a sexually violent predator should be filed. This petition is filed in the Court of Common Pleas for the county where the individual committed the sexually violent offense. If the court, after reviewing the petition, finds probable cause, the Prosecution Section must represent the State in a probable cause hearing to be held within seventy-two hours of that finding. If the hearing results in a finding of probable cause, the Prosecution Section must represent the State in either a bench or jury trial. The Attorney General=s Office is responsible for representing the State in any appeal filed as the result of the trial.

An individual committed pursuant to the Act is entitled to a yearly review of his mental condition by the court. The Attorney General is responsible for representing the State at these yearly reviews. If the court determines that probable cause exists to believe that the individual's mental condition has changed so that the individual is safe to be at large, the court shall schedule a trial on the issue. The Attorney General is responsible for representing the State in either a bench or jury trial on this issue.

An individual committed under the Act may also petition the court for release from confinement if the Director of the Department of Mental Health determines that the individual is safe to be at large. The court, upon receipt of such petition, must order a hearing on this issue. The Attorney General is responsible for representing the State in either a bench or jury trial on this issue.

STATE GRAND JURY

South Carolina's Constitution was amended in 1989 to permit the establishment of a state grand jury. The General Assembly ratified the constitutional amendments and the State Grand Jury Act, §§ 14-7-1600 through 14-7-1820, 1976 Code of Laws of South Carolina, as amended, became effective on February 15, 1989. On May 4, 1992, the State Grand Jury Act was significantly amended. Subject matter jurisdiction of the State Grand Jury is limited by statute to crimes involving narcotics, dangerous drugs, controlled substances, obscenity, public corruption, elections, and crimes arising out of or in connection with these crimes. Drug and obscenity crimes must be of a multi-county nature or have significance in more than one county.

By statute, in order for the State Grand Jury to properly consider a matter, the Attorney General and the Chief of the South Carolina Law Enforcement Division must make such a request. The Attorney General must then petition the chief administrative judge for an appropriate Order. This petition must allege the type of offenses to be inquired into and must specify that the public interest is served by impaneling the State Grand Jury for the particular case.

The Attorney General or his designee attends sessions of the State Grand Jury, serves as its legal advisor, examines witnesses, and presents evidence. The Chief of the State Grand Jury is designated to perform these functions for the Attorney General. A Solicitor or Assistant Solicitor may be designated by the Attorney General to present an appropriate matter to the State Grand Jury.

The investigative authority and ability of the State Grand Jury make it a unique investigative body. The State Law Enforcement Division (SLED) provides investigative services as the State Grand Jury requires. Currently, there are nine SLED agents assigned to the State Grand Jury. These nine agents, along with four attorneys assigned to the State Grand Jury Division, allow the Grand Jury to appropriately investigate larger and/or more complex crimes than an ordinary county grand jury. The Clerk of the State Grand Jury may issue subpoenas or subpoenas duces tecum to compel individuals, documents, or other materials to be brought from anywhere in the State. Furthermore, witnesses may be ushered before the State Grand Jury and may be

compelled to testify, by grant of immunity, even though such testimony is self incriminating. Since its inception in 1989, the State Grand Jury has developed a reputation of being committed to coordination between all law enforcement agencies and to advocating law enforcement's interests.

The objectives for the State Grand Jury are as follows:

1. To maintain a ninety percent (90%) conviction rate on all indictments returned;
2. To work effectively with, and zealously for, the interest of law enforcement, including those agencies who bring appropriate cases to the State Grand Jury for investigation and prosecution;
3. To maintain its reputation for excellence in the investigation and termination of large-scale drug operations and conspiracies;
4. To carefully review and appropriately handle all requests for investigations and complaints from the public and other agencies;
5. To take a leading role in prosecuting and assisting in the prosecution of obscenity and child pornography cases statewide;
6. To successfully investigate and prosecute pending public corruption cases; and
7. To successfully defend over ninety percent (90%) of our successful prosecutions throughout the appellate process.

OPINIONS DIVISION

The authority of the Attorney General to issue legal opinions is provided by statutes which direct the Attorney General to give his opinion upon questions of law submitted to him. It is the policy of this Office to strictly observe and adhere to these statutes:

1. Statutory Authority to Issue Opinions and Advise Public Officials.
 1. The Attorney General's Office is required to render advice and opinions to the Governor and General Assembly (S.C. Code Ann. § 1-7-90);
 2. The Attorney General's Office is required to consult and advise the Circuit Solicitors in relation to the duties of their offices (S.C. Code Ann. § 1-7-100); and
 3. The Attorney General's Office is required to consult and advise the State Constitutional Officers and any other State Officer on questions of law relating to their official duties (S.C. Code Ann. § 1-7-110).
2. Based upon the foregoing statutory authority, and other authorities, the following policies are observed by this Office:
 1. On those occasions when the Attorney General cannot issue an opinion with respect to a particular question, this Office strives to provide other forms of assistance or guidance to any public official or citizen to the greatest extent possible. Thus, even when no opinion is authorized, this Office will research its opinion files and provide the requestor with copies of prior opinions addressing analogous questions, relevant statutes, applicable South Carolina cases or other pertinent information; and

2. Although state law does not authorize the Attorney General to issue opinions to county and municipal governments, this Office will respond to requests from these entities pursuant to the following guidelines:
 1. The Council, collectively, must request the opinion by a majority vote of that body;
 2. The written opinion request must be submitted by the county or municipal attorney;
 3. The local attorney will provide to this Office a memorandum of law on the issue in question setting forth a concise statement of the issue, the relevant facts, the principal legal authorities, a discussion of the applicable law, and a conclusion;
 4. This Office will communicate directly with the local attorney in determining the nature of an appropriate response, which may include:
 1. Providing research and/or prior opinions;
 2. Providing a written opinion of this Office; or
 3. After consulting with the local attorney, referring the matter back to him for resolution and final disposition; and
 5. If a municipality cannot afford to employ counsel, the mayor, without benefit of a legal memorandum, may submit the question upon a majority vote of council for an appropriate response by this Office.
3. Although state law does not authorize the Attorney General to issue opinions to school districts, this Office will respond to such requests, whenever possible, provided a majority of the district's members vote to make the request and submit it through the district's attorney. If the school district's attorney requests an opinion on behalf of the district, the attorney must provide this Office with a legal memorandum setting forth the issue, pertinent facts, principal authorities, and conclusion.
4. Although state law does not authorize the Attorney General to issue opinions to special purpose districts or similar entities, this Office will respond to such requests, whenever possible, provided a majority of the district's members vote to make the request and submit it through the district's attorney. If the special purpose district's attorney requests an opinion on behalf of the district, the attorney must provide this Office with a legal memorandum setting forth the issue, pertinent facts, principal authorities and conclusion.
5. In the discretion of the Attorney General, exceptions to items 2 - 4, above, may be made where:
 1. A crisis situation exists which cannot be adequately resolved by local counsel (or there is no local counsel); or
 2. The issue involved is one of clear and substantial statewide importance.
3. Performance Goals and Measures.
 1. Goal: All opinions will be thoroughly researched and fairly and objectively written. Measure: The Chief of the Opinions Division will review and approve all

opinions prior to their issuance.

2. Goal: All opinions will be issued in a timely fashion with the Governor and the General Assembly receiving top priority. Measure: The Chief of the Opinions Division will maintain a log of all opinion requests to ensure they are answered in a timely fashion.

SECURITIES DIVISION

In 1996, the South Carolina Legislature passed the General Appropriations Bill (H. 4600), which, in Section 27, transferred the "duties, functions and responsibilities" of the Division of Securities from the Secretary of State to the Attorney General. This bill provided that the Attorney General shall serve *ex officio* as Securities Commissioner, and as such, shall administer the South Carolina Uniform Securities Act (South Carolina Code Section 35-1-10, *et. seq.*).

The Securities Division's primary objective is to protect South Carolina investors, while supporting an equitable, competitive securities industry that contributes to the economic development of the state and the well-being of South Carolinians. The Division seeks to achieve this objective by focusing its efforts in the following areas:

ENFORCEMENT

The Division investigates possible violations of the Uniform Securities Act and enforces its provisions against entities and individuals who have violated it to the detriment of South Carolina investors. Results of enforcement actions range from temporary suspensions from conducting securities transactions in the State to a permanent bar and administrative fines. If violations rise to the level of criminal conduct, the Division may refer the case to the Criminal Division of the Attorney General's Office or the appropriate Solicitor's Office.

The Division's goals and performance measures in the area of enforcement are:

1. To review complaints and issue letters to the complainant informing them of their rights within two business days of receipt;
2. To initiate investigations where appropriate and issue visitation letters to the party being investigated within ten business days of receipt of complaint; and
3. To bring administrative actions within twenty business days of receipt of all investigatory material.

REGULATORY ACTIVITIES

Registration and licensing of securities broker-dealers, broker-dealer agents, investment advisors and investment advisor representatives

The Division reviews thousands of applications for registration each year. While most applicants have clean disciplinary records, many warrant further scrutiny before approval or rejection. Our efforts are directed toward preventing securities industry sales representatives with problematic disciplinary histories from transacting securities business with South Carolinians.

The Division's goals and performance measures in this area are:

1. To accept applicants with no disciplinary history within two business days of receipt of application;
2. To send investigation letters to applicants with at least three disciplinary incidents within five business days of receipt of application; and
3. To send notifications of subsequent acceptances or denials of applications within ten business days of receipt of answers. The Division checks national databases to ensure applicant compliance.

Review and registration of mutual funds, unit investment trusts and exempt securities

As with applications for representatives and agents, the Division efficiently processes thousands of investment product registrations each year and is frequently asked to accept exemptions from registration.

The Division's goals and performance measures in this area are:

1. To process all mutual fund registrations within five business days; and
2. To grant or deny exemptions within ten business days.

Investor Education

The Division promotes investor education to assist the public in making informed decisions and avoiding being defrauded by unscrupulous persons and businesses.

The Division's goals and performance measures in this area are:

19. To improve and enhance the statewide investor education program consisting of a series of topic-specific booklets, speaking engagements, and Internet-based information.

Office of the Attorney General FY 99 Zero Base Budget Current Date: 09/08/98		
Section	Computer Services	Public Info/ Library
Payroll	\$313,547	\$197,902

Fringe	73,684	46,507
Operating	130,331	65,165
Admin. Costs	106,612	63,769
Total	<u>\$624,174</u>	<u>\$373,343</u>
Funding Source	State	State
Section	Criminal Appeals	Capital Litigation
Payroll	\$491,253	\$433,666
Fringe	115,444	101,912
Operating	143,364	117,298
Admin. Costs	154,504	134,485
Total	<u>\$904,565</u>	<u>\$787,361</u>
Funding Source	State	State
Section	Criminal Prosecution	Drug Special Prosecution
Payroll	\$517,631	\$57,992
Fringe	121,643	13,628
Operating	169,430	13,033
Admin. Costs	166,584	0
Total	<u>\$975,288</u>	<u>\$84,653</u>
Funding Source	State	Drug Forfeiture
Section	Government Litigation	Atty/Jud Grievance
Payroll	\$409,710	\$311,109
Fringe	96,282	73,111
Operating	104,265	91,232
Admin. Costs	125,706	97,938
Total	<u>\$735,963</u>	<u>\$573,390</u>
Funding Source	State	State
	Insurance	Opinions/

Section	Fraud	Special Lit.
Payroll	\$129,784	\$385,858
Fringe	\$30,499	\$90,677
Operating	\$52,132	\$104,265
Admin. Costs	\$43,755	\$119,638
Total	<u>\$256,170</u>	<u>\$700,438</u>
Funding Source	State/Fines	State
Section	Post Conviction Relief	Securities Fraud
Payroll	\$469,362	\$374,706
Fringe	110,300	\$88,056
Operating	195,496	\$156,397
Admin. Costs	159,674	\$0
Total	<u>\$934,832</u>	<u>\$619,159</u>
Funding Source	State	Fines/Fees
Section	State Grand Jury	State Grand Jury Clerk
Payroll	\$378,604	\$81,245
Fringe	88,972	19,093
Operating	117,298	39,099
Admin. Costs	120,477	28,722
Total	<u>\$705,351</u>	<u>\$168,159</u>
Funding Source	State	State
Section	Victims Assistance	Youth Mentor Program
Payroll	\$92,763	\$79,844
Fringe	21,799	18,763
Operating	39,099	104,265
Admin. Costs	31,653	41,789
Total	<u>\$185,314</u>	<u>\$244,661</u>

Funding Source	State	State
Section	Medicaid Fraud Grant	Violence Against Women Grant
Payroll	\$581,156	\$96,924
Fringe	136,572	22,777
Operating	195,496	39,099
Total	<u>\$913,224</u>	<u>\$158,800</u>
Funding Source	Federal/State	Federal/State

Totals by Funding Source	Amount
State Source	\$8,109,009
State Match of Grants (Required percentage of State money for grant funding)	\$268,006
Total State Source	<u>\$8,377,015</u>
Federal Sources (Medicaid, Violence against Women)	\$804,018
Drug Forfeiture	\$84,653
Insurance Fraud Fines	\$60,000
Securities Fines/Fees	\$619,159